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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION	:	
CORPORATION,	:	
Plaintiff,	:	SIPA Liquidation
v.	:	No. 08-01789-SMB
	:	(Substantively Consolidated)
BERNARD L. MADOFF INVESTMENT	:	
SECURITIES LLC,	:	
Defendant.	:	
-----	X	
In re	:	
BERNARD L. MADOFF,	:	
Debtor.	:	
-----	X	
IRVING H. PICARD, Trustee for the	:	
Liquidation of Bernard L. Madoff Investment	:	
Securities LLC,	:	Adv. Pro. No. 12-01209-SMB
Plaintiff,	:	BSI AG'S COUNTER-DESIGNATION
v.	:	OF ADDITIONAL ITEMS TO BE
	:	INCLUDED IN THE
BSI AG, individually and as successor in	:	RECORD ON APPEAL
interest to BANCO DEL GOTTARDO	:	
-----	X	

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, BSI AG, individually and as successor in interest to Banco Del Gottardo, (“BSI”) respectfully submits this counter-designation of items to be included in the record on appeal of the Final Judgment [ECF No. 96] in the Adversary Proceeding.¹ BSI may rely on some or all of the items designated for the record on appeal by the Trustee. In addition to those items designated by the Trustee in the Trustee’s designation, the following additional items from the Adversary Proceeding and the main docket, *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re BLMIS)*, Adv. Pro. No. 08-01789 (SMB) (Bankr. S.D.N.Y.), are designated to be included in the record on appeal:

Designation No.	Date	ECF No. (12-01046)	ECF No. (08-1789)	Docket Text
1	4/4/2017	102	15604	Certification of Direct Appeal to Court of Appeals (12-01209) (related document(s)15277) filed by Stacy A Dasaro on behalf of Irving H. Picard. (Dasaro, Stacy) (Entered: 04/04/2017)
2	4/8/2016	--	13069	Letter on Behalf of the Subsequent Transferee Defendants in Response to Mr. Sheehan’s Letter dated April 7, 2016 (related document(s)13051) Filed by Franklin B. Velie on behalf of Bank Austria Worldwide Fund Management Ltd. (Velie, Franklin) (Entered: 04/08/2016)
3	5/16/2012	18	--	Affidavit of Service of Summons and Complaint Upon Defendant BSI AG (related document(s)1, 2) filed by David J. Sheehan on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC. (Sheehan, David) (Entered: 05/16/2012)

¹ Capitalized terms used but not defined herein shall have the meanings given to them in the *Trustee’s Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal* [Adv. Pro No. 12-01209, ECF No. 100] (the “Trustee’s Designation”).

4	4/17/2012	5	--	Declaration of Charles C. Platt in Support of Motion to Withdraw the Reference (related document(s)3) filed by Charles Collier Platt on behalf of BSI AG, individually and as successor in interest to BANCO DEL GOTTARDO. (Attachments: # 1 Exhibit A (Part 1 of 5)# 2 Exhibit A (Part 2 of 5)# 3 Exhibit A (Part 3 of 5)# 4 Exhibit A (Part 4 of 5)# 5 Exhibit A (Part 5 of 5)) (Platt, Charles) (Entered: 04/17/2012)
5	4/17/2012	4	--	Memorandum of Law to Withdraw the Reference (related document(s)3) filed by Charles Collier Platt on behalf of BSI AG, individually and as successor in interest to BANCO DEL GOTTARDO. (Platt, Charles) (Entered: 04/17/2012)
6	4/17/2012	3	--	Motion to Withdraw the Reference filed by Charles Collier Platt on behalf of BSI AG, individually and as successor in interest to BANCO DEL GOTTARDO. (Platt, Charles) (Entered: 04/17/2012)

Each item designated above shall also include any and all exhibits and documents annexed to or referenced within such item.

BSI reserves the rights to: (i) supplement, amend, or modify the designation of additional items for the record on appeal, (ii) move to strike items designated by any party as necessary or appropriate, (iii) defend the propriety of items set forth in this additional designation, and (iv) present a counterstatement of issues on appeal in its appellate brief(s) (including any brief joined by BSI or otherwise applicable to the Adversary Proceeding) pursuant to Federal Rule of Bankruptcy Procedure 8014(b)(2).

Dated: April 11, 2017

/s/ Charles C. Platt

Charles C. Platt
George W. Shuster, Jr.

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